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AJMER STATE GOVERNMENT

Law and Judicial Department

Ajmer, the 3rd February 1955

The following Act of the Ajmer Legislative Assembly received the assent of the President on the 25th January 1955 and is hereby published for General information:—

THE AJMER LIVE-STOCK IMPROVEMENT ACT, 1954

ACT NO. XIII OF 1954

An Act to provide for the improvement of live-stock in the State of Ajmer.

BE it enacted by the Legislative Assembly of the State of Ajmer in the Fifth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Ajmer Live-stock Improvement Act, 1954.

(2) It extends to the whole of the State of Ajmer.

(3) Sections 1 and 2 shall come into force at once, and the State Government may by notification direct that all or any of the remaining provisions of this Act shall come into force in such areas and on such dates as may be specified in the notification, and different dates may be fixed for different areas.

2. Definitions.—(1) In this Act, unless there is anything repugnant in the subject or context,—

(a) 'bull' includes a buffalo bull;

(b) 'cow' includes a buffalo cow and a heifer;

(c) 'licence' means a licence granted under section 5;

(d) 'live-stock officer' means an officer or person appointed or invested with powers under section 3;

(e) 'notification' means a notification in the official Gazette;

(f) 'prescribed' means prescribed by rules;

(g) 'rules' means rules made under section 22;

(h) 'State Government' means the Chief Commissioner of the State of Ajmer.

(i) A person is said to keep a bull, if he owns the bull or has the bull in his possession or custody.

(2) The General Clauses Act, 1897 (X of 1897) applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

3. Live-stock officers.—The State Government may by notification, appoint any officer with prescribed qualifications for a specified area to be a live-stock officer and assign to such officer such powers and duties under this Act as it may deem fit.

4. Prohibition of keeping a bull without licence.—(1) No person shall keep a bull which has attained the prescribed age except under and in accordance with the terms, conditions and restrictions of a licence granted under section 5.

(2) Nothing in this section shall apply to a bull which has been effectively castrated.

5. Grant of licence.—Every licence for the keeping of a bull shall be granted by the live-stock officer authorised by the State Government by general or special order in this behalf in such form, for such period, and subject to such terms, conditions and restrictions, as may be prescribed:

Provided that no fee shall be charged for the grant of a licence.

6. Refusal and revocation of Licence.—(1) Subject to rules, the live-stock officer authorised to grant the licence may refuse to grant or may revoke a licence, if in the opinion of such authority, the bull appears to be—

- (a) of defective or inferior conformation and likely to beget defective or inferior progeny; or
- (b) suffering from an incurable contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purposes.

(2) The live-stock officer may also revoke a licence if in his opinion—

- (a) the licence was granted under circumstances of which the live-stock officer was not aware at the time of granting the licence; or
- (b) there has been a breach of any of the terms, conditions or restrictions of the licence.

(3) No person shall be entitled to any compensation for the refusal or revocation of a licence under sub-section (1) or (2).

(4) If a licence is revoked under this section, the live-stock officer revoking the licence shall give notice to that effect to the person keeping the bull or to the person stated in the licence to be the owner of the bull and any such notice given in respect of a licence shall state the grounds for the revocation.

7. Grant of duplicate licence.—When the live-stock officer is satisfied that a licence granted under section 5 has been lost or destroyed, such officer may, subject to conditions as may be prescribed,

issue to the holder of the licence a duplicate thereof, and thereupon all the provisions of this Act with respect to the licence shall apply to the duplicate as if it were the original licence.

8. Surrender of a licence.—A licence granted in respect of a bull shall be surrendered without delay by the holder thereof to the live-stock officer, if—

- (a) the period specified in the licence expires, or
- (b) the licence is revoked under this Act, or
- (c) the bull dies or is castrated in the prescribed manner.

9. Inspection of bulls.—The live-stock officer may by order require any person keeping a bull to submit it for inspection by himself or by any officer having the prescribed qualifications, at any reasonable time, either at the place where the bull is kept for the time being or at any other reasonable place not more than five miles from where the bull is so kept specified in the order and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly and to render all reasonable assistance in connection with such inspection to the officer concerned.

10. Power to order castration of bulls.—(1) A live-stock officer may, by notice served in the prescribed manner, require that any bull which has attained the prescribed age at the date when the notice is served and in respect of which no licence is for the time being in force under this Act, shall be castrated in the prescribed manner within one month after the service of such notice. Such castration shall, if the owner or other person who keeps the bull requires, be performed or cause to be performed by the live-stock officer free of charge.

(2) For the purpose of this section, a notice shall be served on the owner of the bull or on any other person who keeps the bull.

11. Duty to produce licence.—It shall be the duty of any person who for the time being keeps a bull, if a licence is in force in respect of the bull, to produce the licence—

- (a) within a reasonable time on demand made by a live-stock officer or any other officer authorised by general or special order by the State Government in this behalf at any place where the bull is for the time being.
- (b) before a cow is served by a bull, on demand made by the person in charge of the cow.

12. Penalty for keeping a bull in contravention of this Act or rules or in contravention of licence.—Whoever in contravention of this Act or any rule or order made under this Act or of any terms, conditions or restrictions of licence keeps a bull shall, on conviction, be punishable with fine which may extend to Rs. 25.

13. Penalty for neglect or failure to comply with notice under section 6 or 10.—Whoever neglects or fails to comply with notice served in accordance with section 6 or 10 shall, on conviction, be punishable with fine which may extend to Rs. 25.

14. Penalty for neglect or failure to comply with requisition under section 9 or 11.—Whoever neglects or fails to submit a bull for inspection when required by a live-stock officer for inspection under section 9 or whoever fails to produce a licence when required to do so in accordance with the provisions of section 11 shall, on conviction, be punishable with fine which may extend to Rs. 25.

15. Power of live-stock officer to castrate.—(1) Whenever a person is convicted for an offence under section 14, or whenever any bull has not been castrated in compliance with a notice served under section 10, it shall be competent for a live-stock officer to castrate or cause to be castrated in the prescribed manner, the bull in respect of which such offence was committed or such notice was served, as the case may be. Such castration shall be performed or cause to be performed by the live-stock officer free of charge.

(2) It shall also be competent for a live-stock officer to seize any bull, if the person in whose ownership, possession or custody it is for the time being, is not known or cannot be ascertained after an inquiry in the prescribed manner. On such seizure the live-stock officer may, if he is of opinion that such bull has attained the prescribed age or is suffering from any of the defects or disease specified in section 6, direct that the said bull shall be—

- (a) castrated in the prescribed manner, and
- (b) sold by public auction or sent to a cattle-pound or other prescribed place: provided that if the owner of the said bull appears within fifteen days of such seizure and proves to the satisfaction of the live-stock officer that the said bull is of his ownership,—
the said bull—
 - (i) if not sold by public auction, or
 - (ii) if sent to a cattle-pound or other prescribed place, shall be delivered to such owner on payment of the costs, charges and expenses incurred for the maintenance of the said bull and determined in the prescribed manner, or
 - (iii) if sold by public auction, the proceeds of such sale shall be paid to such owner after deducting therefrom the costs, charges and expenses incurred for the maintenance and sale of the said bull and determined in the prescribed manner.

16. Power of live-stock officer to inspect or mark a bull or to enter premises.—For the purposes of this Act, a live-stock officer shall have power at all reasonable times—

- (a) to inspect any bull,
- (b) to mark any bull with any prescribed mark in the prescribed manner,
- (c) to enter any premises or other place in the prescribed manner, where he has reason to believe that a bull is kept.

17. Duty of officers to assist the live-stock officer.—All officers of the State Government in the departments of revenue, agriculture or animal husbandry and all lumbardars and patels shall be bound—

- (a) to give immediate information to a live-stock officer of the commission of any offence, or the intention or preparation to commit any offence punishable under this Act which may come to their knowledge;
- (b) to take all reasonable measures in their power to prevent the commission of any such offence which they know or have reason to believe is about to be committed; and
- (c) to assist any live-stock officer in carrying out the provisions of this Act.

18. Cognisance of offences.—No court shall take cognisance of any offence under this Act except on a complaint made by a live-stock officer or any person authorised by such officer in that behalf.

19. Live-stock officer to be a public servant.—Every live-stock officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

20. Protection of persons acting in good faith and limitation of suits and prosecutions.—No suit, prosecution or other proceeding shall be instituted against the Government or against any officer or servant of the Government in respect of anything done or alleged to have been done in pursuance of this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

21. Revision.—The State Government may call for and examine the record of any order or the proceedings of any live-stock officer for the purpose of satisfying itself as to the legality or propriety of any order passed and as to the regularity of the proceedings of such officer. If in any case it shall appear to the State Government that any order or proceedings so called for should be modified, annulled or reversed, it may pass such order as it may deem fit.

22. Power of the State Government to make rules.—(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may be made for all or any of the following purposes, namely:—

- (a) under section 3, prescribing the qualifications of and the powers and duties to be exercised and performed by a live-stock officer and the assignment of such powers or duties,
- (b) under section 4, prescribing the age of a bull after which it shall not be kept without a licence,
- (c) under section 5, prescribing the form of, the manner in which, the terms, conditions and restrictions on which, a licence shall be granted, transferred or renewed.

- (d) under section 6, prescribing the conditions subject to which a licence may be revoked,
- (e) under sections 6 and 10, prescribing the manner in which notice shall be served.
- (f) under section 7, prescribing the conditions subject to which a duplicate of a licence may be granted,
- (g) under sections 10 and 15, prescribing the manner in which a bull shall be castrated and the manner in which inquiry regarding the ownership of a bull shall be made, and costs, charges and expenses for the maintenance and sale of a bull shall be determined,
- (h) under section 16, prescribing the manner and form in which a bull shall be marked and the manner in which a live-stock officer shall enter any premises or other place.

(3) In making a rule under sub-section (1) or sub-section (2), the State Government may provide that a person guilty of breach thereof shall be punishable with fine which may extend to Rs. 25.

(4) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(5) All rules made under this section shall be published in the official Gazette, and upon such publication shall have effect as if enacted in this Act.

(6) All rules made under this section shall as soon as they are made be laid before the Legislative Assembly of the State of Ajmer.

G. S. GAITONDE,
Secy. to the Government of Ajmer.